IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTIION

Writ Petition No. 5643 of 2007

Vitthal Dhondi Sawant ..Petitioner

vs.

Mathurabai Tukaram Sawant
and others ...Respondents

Shri Milind D.Parab for petitioner.
Shri Sandesh Patil for respondent nos.1 to 3
Shri P.P.Jadhav for respondent nos.4 and 5

CORAM: S.C.DHARMADHIKARI J.
22nd NOVEMBER, 2007

P.C.

1. The suit is of 2003 and the grievance of the petitioner is that the affidavit in lieu of examination in chief has been filed by the petitioner/plaintiff. At that stage, the issue of jurisdiction is framed and it is directed that it be tried as the preliminary issue.

2. The learned Counsel for the petitioner submits that the petitioner has no objection to the said issue being framed and tried but there is no necessity, at this stage, to treat it as a preliminary issue. The same can be tried alongwith other issues. Since the issue is very much relevant and is framed, in my view, interest of justice would be subserved if it is directed

that the Trial Court decides the said issue alongwith the other issues and render its final judgment in the suit. Petition is disposed of with this clarification.

(S.C.DHARMADHIKARI J.)